

1 Joseph E. Walsh, Jr. (*admitted pro hac vice*)
jwalsh@hdp.com
2 Rudolph A. Telscher (*admitted pro hac vice*)
rtelscher@hdp.com
3 Douglas A. Robinson (*admitted pro hac vice*)
drobinson@hdp.com
4 HARNESS DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
5 St. Louis, MO 63105
Tel: (314) 726-7500; Fax: (314) 726-7501
6

7 Philip J. Wang, Bar No. 218349
phil@philwanglaw.com
The Law Office of Philip J. Wang
8 160 Bovet Road, Suite 310
San Mateo, CA 94402-3100
9 Tel: (650)521-9020

10 ***Attorneys for Emerging Markets Communications,***
11 ***Inc. and EMC Satcom Technologies, LLC***

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 APPLIED SIGNAL TECHNOLOGY, INC.

17 Plaintiff,

18 vs.

19 EMERGING MARKETS COMMUNICATIONS,
20 INC., EMC SATCOM TECHNOLOGIES, INC.,
PARADISE DATACOM, LLC, and VIASAT,
INC.,

21 Defendants.
22

23 AND RELATED COUNTERCLAIMS AND
24 THIRD PARTY CLAIMS

Case No. 09-CV-02180-SBA

JOINT STATUS REPORT ON THE
PROGRESS OF SETTLEMENT
BETWEEN APPLIED SIGNAL,
COMTECH EF DATA, EMERGING
MARKETS COMMUNICATIONS, AND
EMC SATCOM TECHNOLOGIES, AND
REQUEST FOR EXTENSION OF
RELIEF FROM THE CASE
MANAGEMENT SCHEDULING
CONFERENCE ORDER

25 Pursuant to the Joint Status Report dated January 13, 2011 (Dkt. No. 203),
26 defendants Emerging Markets Communications, Inc., and EMC Satcom Technologies,

1 Inc. (collectively “EMC”), plaintiff and counter-defendant Applied Signal Technology,
2 Inc. (“AST”), third-party defendant Comtech EF Data Corp. (“Comtech”), submit this
3 joint status report on the progress of settlement.

4 As previously reported to the Court, AST, Comtech, and EMC agreed at the
5 settlement conference before Magistrate Judge Zimmerman to settle their dispute. The
6 parties have exchanged written draft settlement license proposals and are in general
7 agreement on many license terms, though certain terms are still subject to ongoing
8 negotiation.

9 On January 13, 2011, the parties filed a Joint Status Report requesting additional
10 time to finalize their settlement to February 14, 2011. That request was granted on
11 January 20, 2011 (Dkt. No. 210). Due to a number of factors, including the many
12 unusual and customized provisions being negotiated, the parties continue to work
13 diligently to finalize their agreement, and only a limited number of closely-related license
14 terms remain to be finalized. On February 14, 2011 the parties, including party
15 principals, held a telephone conference to address these remaining points. Based on that
16 discussion, the parties are exploring potential options for addressing each others’
17 concerns on the remaining few unresolved issues, and the parties continue to believe they
18 are very close to having the settlement finalized. As such, the parties respectfully and
19 jointly stipulate and request that the Court extend the stipulated February 14, 2011 date
20 for a period of thirty (30) days from the existing date of February 14, 2011 to March 16,
21 2011. The parties will continue to work diligently during this time to finalize their
22 settlement license agreement, which the parties continue to expect will result in the
23 dismissal of the EMC entities from this litigation.

1 Date: February 14, 2011

HARNESS, DICKEY & PIERCE, PLC

2
3 /s/ Rudolph A. Telscher, Jr.

4 Rudolph A. Telscher, Jr.

5 ATTORNEYS FOR DEFENDANTS

6 EMERGING MARKETS

COMMUNICATIONS, INC. and EMC

SATCOM TECHNOLOGIES, INC.

7 Date: February 14, 2011

SANDERS & PARKS P.C.

8
9 /s/ Rick N. Bryson

10 Rick N. Bryson

11 ATTORNEYS FOR PLAINTIFF/

12 COUNTER-DEFENDANT APPLIED

13 SIGNAL TECHNOLOGY AND THIRD-

PARTY DEFENDANT COMTECH EF

DATA CORP.

DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Rick N. Bryson.

Date: February 14, 2011

HARNESS, DICKEY & PIERCE, PLC

/s/ Rudolph A. Telscher, Jr.
Rudolph A. Telscher
ATTORNEYS FOR DEFENDANTS
EMERGING MARKETS
COMMUNICATIONS, INC. and EMC
SATCOM TECHNOLOGIES, INC.

ORDER

Pursuant to stipulation, it is hereby ordered that the Court's January 20, 2011 order (Dkt. No. 210) granting relief from the Case Management Conference Scheduling Order is extended an additional 30 days from the current existing date of February 14, 2011 to March 16, 2011. Plaintiff Applied Signal Technology, Inc. shall file a notice of dismissal, or a joint status report with EMC on the progress of settlement, by March 16, 2011.

Dated: 2/18/11


SAUNDRA BROWN ARMSTRONG
JUDGE, UNITED STATES DISTRICT COURT

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